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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,293	09/08/2003	Robert M. Tice	TIC03-001	9759
30402	7590	04/25/2005	EXAMINER	
WILLIAM STOFFEL PMB 455 1735 MARKET ST. - STE. A PHILADELPHIA, PA 19103-7502			LEGESSE, NINI F	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/657,293	<b>Applicant(s)</b> TICE, ROBERT M.	
	<b>Examiner</b> Nini F. Legesse	<b>Art Unit</b> 3711	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 14-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/08/03</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's election with traverse of Group I (claims 1-13) in the reply filed on 12/13/05 is acknowledged. The traversal is on the ground(s) that the fields of search for the Group I and II inventions are co-extensive and that it does not appear to be an additional burden on the patent office. This is not found persuasive because Group I is searched in Class 473 sub class 220 and Group II is searched in a different search area (473/409). The method steps as claimed in Group II would not have been found in the search area of Group I. Therefore, the requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-13** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 11, and 12, it appears that applicant is claiming just a single light device. From Fig. 7 of the instant application it is clear that two laser diodes (710 and 716) are used in the embodiment disclosed. However, it is not clear how a single light as claimed in the claims would project to provide both the alignment and aiming spot because page 16 lines 4-9 does not clearly disclose how a single laser could be used by splitting its beam.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-5, 8, 10, and 11** are rejected under 35 U.S.C. 102(b) as being anticipated by flashlights.

**With regards to claims 1-3 and 11**, any type of flashlights would meet the claimed light apparatus. Regarding the intended use set forth in the preamble, any plurality of flashlights that could be considered as a first and second light sources inherently are capable of being used for golf and provide a projection of an alignment segment and an aiming spot. Applicant is not claiming a process. See MPEP 21112. Applicant is claiming nothing more than a couple of flashlights.

**With regards to claims 4, 5, 8, and 10**, all these intended use limitations are inherently capable of being performed with a couple of flashlights depending how the flashlights are held and positioned by a user. See MPEP 21112.

**Claims 1, 2, 4 - 9, 12, and 13** are rejected under 35 U.S.C. 102(b) as being anticipated by English et al. (US Patent No. 5,472,204).

**With regards to claims 1 and 2**, English discloses a light apparatus (66) adapted to project an alignment segment and an aiming spot on a playing surface (when referring

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to Fig. 6, the light at hole area 92 is considered as a spot light and the other segments 80B, 80C are considered as an alignment segment). Any of the four sequential light rays 80A, 80B, 80C, and 80D could be considered as a first light source and a second light source.

**With regards to claims 4, 5, and 8**, the intended use limitation of the claims are inherently capable of being performed by adjusting the light housing 66 up and down on the shaft. With regards to claim 8, the four lines as shown on Fig. 6 provide different segments and the line horizontal line between line 80A and 80B and the horizontal line between lines 80C and 80D is considered as disconnected line segments.

**With regards to claims 6, 7, 9, 12, and 13**, the marks shown on the top surface of the putter in Fig. 8 are considered as an eye alignment device. The front and the rear vertical surfaces of the putter are considered as the vertical panels.

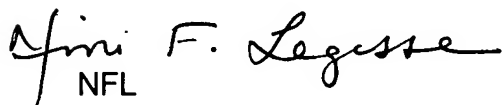
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini F. Legesse whose telephone number is (571) 272-4412. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
NFL

04/20/05